

REMARKS

Claims 1 and 3-20 are pending in this Application. Claim 2 has been previously canceled without prejudice. Claims 3, 15, 16 and 19-20 have been amended with this reply, as provided in the Listing of Claims beginning on page 3 of this paper.

On page 2 of the Office Action mailed February 6, 2007, the Examiner requested an election of species for new Claims 15-20. Applicants elect the species fly ash to which all claims, namely Claims 15-20 are believed to be readable on.

With regard to pages 3-5 of the Office Action, Applicants first wish to greatly thank the Examiner for providing such comments to which the Applicants may reply in order to fully resolve. For Claims 3, 15, 16 and 18-20 that would be rejectable under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 132, Applicants respectfully submit the following amendments and remarks.

Claim 3 has been amended as to matters of form and to remove the term "and the like." Claim 3 has also been amended to replace the term "microspheres" with "ceramic hollow spheres" in accordance with the Examiner's recommendation. As such, Applicants submit that amended Claim 3 would not be rejectable under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 132 and respectfully requests allowance of amended Claim 3.

Claim 15 has been amended to clarify the units of % that is being used in the claim. The units are supported by the specification, such as in Examples 1-4 and are within the range

supported by the specification at, for example, paragraph [0019] of the originally filed specification. Applicants further submit that the metes and bounds of the claim are clearly set forth and the scope of the subject matter embraced by the claims is clear and within the boundaries disclosed in the specification. For example, the description "more than 25% and up to 50%" is not inconsistent with the specification disclosure, is apparent from the descriptive portion of the specification and is adequately supported by the specification, including Examples 1-4. In addition, Applicants may claim more or less than a preferred embodiment. Applicants may also provide a range limitation when one skilled in the art would consider inherently that the range is supported by the discussion in the original disclosure. Applicants submit that this is met and respectfully submit that the claim as amended would not be rejectable under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 132 and respectfully requests allowance of amended Claim 15.

Claim 16 has been amended to the elected species. As such, Applicants submit that amended Claim 16 would not be rejectable under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 132 and respectfully requests allowance of amended Claim 16.

For Claim 18, the claim now depends from amended Claim 15 and, as submitted by the Examiner that "dewatering to a few minutes is only supported for 'fly ash', " Applicants submit that Claim 18 would no longer be rejectable under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 132 and respectfully requests allowance of Claim 18.

Claim 19 has been amended as suggested by the Examiner. Applicants further submit that the claim as amended, including the "similar product" language, is allowable because one skilled in the art would consider inherently the claim with that which is supported by the discussion in the original disclosure. Applicants submit that amended Claim 19 would not be rejectable under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 132 and respectfully requests allowance of amended Claim 19.

Claim 20 has been amended to include a combination disclosed adequately in the specification, such as in paragraphs [0037], [0040] and [0043] of the originally filed specification. Applicants submit that amended Claim 20 would not be rejectable under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 132 and respectfully requests allowance of amended Claim 20.

CONCLUSION

Applicants respectfully submit that the Application is in condition for allowance and earnestly seeks such allowance of Claims 1 and 3-20 as provided in the Listing of Claim beginning on page 3 of this paper. Should the Examiner have questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants' representative at 214.999.4330. Applicants, through their representative, stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application.

To the extent that any further fees are required during the pendency of this Application, including petition fees, the Commissioner is hereby authorized to charge payment of any additional fees, including, without limitation, any fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP and reference Attorney Docket No. 131279-1020. In the event that any additional time is needed for this filing, or any additional time in excess of that requested in a petition for an extension of time, please consider this a petition for an extension of time for any needed extension of time pursuant to 37 C.F.R. § 1.136 or any other section or provision of Title 37. Applicant respectfully requests that the Commissioner grant any such petition and authorize the Commissioner to charge the Deposit Account referenced above. Please credit any overpayments to this same Deposit Account.

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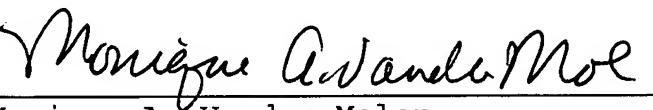
AMENDMENT
APPLICATION NO. 10/090,299

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This is intended to be a complete response to the Office Action mailed February 6, 2007.

Please direct all correspondence to the practitioner listed below at Customer No. 60148.

Respectfully submitted,


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